

May 18, 2007

The Honorable Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: PS Docket No. 07-8; CC Docket No. 94-102; WT Docket Nos. 03-264; 06-150, 06-169 and 96-86; EB Docket No. 06-119.

Chairman Martin:

The Virginia Fire Chiefs Association, Inc. (VFCA) is the advocate for leadership of emergency response organizations in the State of Virginia. The VFCA provides a comprehensive and integrated statewide public safety effort, thereby enhancing the quality of life for our customers by reducing the effects of fire, medical, and environmental emergencies. Therefore, the VFCA is well-positioned to understand the needs of emergency response organizations and acutely aware of the need for interoperability.

The fire service and public safety personnel in the State of Virginia and across the nation require access to the most advanced communications services that are available. Furthermore, increased public safety and emergency response needs require access by public safety to the latest broadband technologies and services being developed for commercial network customers. The broadband communications needs of public safety have become more clear and compelling in recent years while the existing spectrum allocations to public safety have been recognized as inadequate for those purposes.

The scheduled availability of recovered analog spectrum in the upper 700 MHz band affords public safety – and the nation – a unique opportunity to secure sufficient contiguous spectrum to support a new, truly national broadband network that would be built, maintained and operated for the primary benefit of public safety and the citizens whose lives and property they are tasked to protect. As a nation, we need to make it a priority to provide our first responders with the most robust capabilities in which to protect life and property. The FCC's planned auction of frequency spectrum in the 700MHz band presents a unique and timely opportunity for Public Safety to build a nationwide, wireless broadband network – a network built to Public Safety specifications.

The VFCA respectfully requests the FCC:

- Create a 10MHz or larger “E Block” of the 700MHz band currently scheduled for auction by the FCC under the DTV Transition Act;
- Require the winner of the auction of this E Block to have a binding agreement with Public Safety for its participation in the National Public Safety Broadband Network *before* receiving their license;
- License Public Safety’s spectrum to a stand alone entity consisting of Public Safety leaders who will control the network and ensure it will be built to the unique standards of reliability and redundancy that Public Safety requires;
- Ensure that Public Safety is placed in charge of the National Public Safety Broadband Network and not subordinate to the E Block auction winner;
- Support a public/private partnership and provide Public Safety with the ability to build-out in rural and underserved areas;
- Ensure access to a satellite overlay to extend the reach of Public Safety’s network and provide redundancy;
- Direct the auction winner that the Public Safety system be kept “evergreen” and periodically refreshed to stay competitive on the commercial side and to ensure the highest level of technology to public safety users.
- Ensure that any commercial use of the public safety network is permitted only at the discretion of the public safety licensee and only if such use does not harm the network or degrade the quality of service to public safety users.
- Ensure that public safety has the right to negotiate a public-private partnership with any commercial entity regardless of the outcome of the commercial auction.

On behalf of the VFCA, I urge the FCC to establish rules for the 700 MHz auction that puts Public Safety first. America’s first responders and others directly involved with protecting our homeland deserve sufficient spectrum combined with innovative funding methods to access the most advanced wireless communications services and technology.

Lives depend on it.

Respectfully,



Charles L. Werner
Vice President
Virginia Fire Chiefs Association

Copies to: Secretary Marlene H. Dortch
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell

